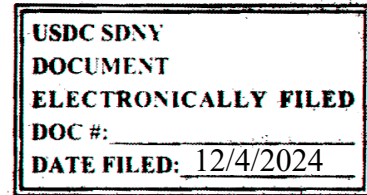


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
DARRYL JOHNSON,

Petitioner,

22-CV-10754 (JLR)(SN)

-against-

**ORDER**

M. CAPRA,

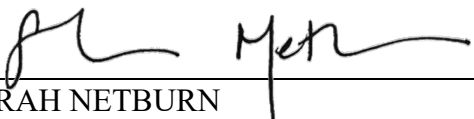
Respondent.  
-----X

**SARAH NETBURN, United States Magistrate Judge:**

On November 8, 2024, the Court lifted the stay on this action and ordered the parties to submit a letter informing the Court whether they believe additional briefing is needed on Petitioner's ineffective assistance of counsel claim. ECF No. 34. Based on the parties' letters, the Court believes additional briefing is warranted. By January 6, 2025, Petitioner is ORDERED to file a brief not to exceed 10 pages addressing the merits of his ineffective assistance of counsel claim. By February 5, 2025, Respondent is ORDERED to file a reply brief, also not to exceed 10 pages.

The Court recommends that Petitioner, proceeding *pro se*, contact the City Bar Justice Center's Federal *Pro Se* Legal Assistance Project for guidance. The Project can be reached at 212-382-4794. Additional information is attached.

**SO ORDERED.**

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge

DATED: December 4, 2024  
New York, New York

# FEDERAL PRO SE LEGAL ASSISTANCE PROJECT

in the Southern District of New York (SDNY)



## ABOUT THE PROJECT

The Federal Pro Se Legal Assistance Project provides limited assistance to self-represented litigants (plaintiffs and defendants) with cases involving civil legal matters in the United States District Court for the Southern District of New York (SDNY).

This project assists plaintiffs and defendants on a variety of federal legal issues, including, among others, civil rights, employment discrimination, and disability discrimination. The team also assists incarcerated individuals with civil (non-criminal) claims.

## HOW WE HELP

Fed Pro provides limited assistance through full-time attorneys, legal support team members, pro bono (volunteer) attorneys, law school/college interns, and a social work team. **While we cannot provide full representation**, Fed Pro can assist litigants by providing limited-scope services such as:



**Counseling** about potential federal claims prior to filing suit



Consulting on **discovery** matters



**Interpreting and explaining** federal law and procedure



Assisting with the **settlement** process (including mediation)



**Reviewing drafted pleadings** and correspondence with the Court

## HOW TO ACCESS OUR SERVICES



For assistance, please complete the **online form** located on our website, <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>.

If you are not able to complete the form, or you have questions about the form, please **call (212) 382-4794**. Please leave a message and wait for us to call you back.



**CITY BAR JUSTICE CENTER**  
SDNY Federal Pro Se Legal Assistance Project

**LIMITED SCOPE LEGAL ASSISTANCE RETAINER AGREEMENT**

This agreement explains the terms of the limited legal assistance that the City Bar Justice Center ("CBJC") has agreed to perform for you through its Federal Pro Se Legal Assistance Projects ("Projects"). Writing your name at the end demonstrates your agreement to the terms herein.

**I. LIMITS OF ASSISTANCE**

The Projects agree to provide only limited scope legal assistance in connection with your matter. This means that:

- You remain a self-represented (pro se) litigant and are responsible for all aspects of your case. CBJC is not your attorney of record in this matter. In the event that you are or become a party to a case in the Eastern District of New York or the Southern District of New York or any other forum, CBJC will not enter an appearance or otherwise act on your behalf without expressly agreeing to do so and entering into a separate signed agreement with you. CBJC has no obligation to enter into any such agreement.
- CBJC has sole discretion to determine the specific type of services provided. These services may include providing advice and counsel about your case, explaining court orders and procedures, reviewing and commenting on your drafts, assisting with drafting, and discussing strategy.
- This retainer covers this consultation only. CBJC can stop assisting you with this matter at any time for any reason consistent with the New York Rules of Professional Conduct.
- CBJC has not agreed to represent or assist you on any other matter in the future. If CBJC does agree to any representation on another matter, then a separate signed retainer agreement will be necessary.
- You may request but are not guaranteed subsequent appointments. CBJC will only provide assistance on subsequent appointments if it provides you with confirmation to you of such assistance, via email or otherwise, with such additional assistance governed by the terms of this agreement, including that the assistance is for that consultation only and that CBJC has sole discretion to decide whether it will provide any additional future consultations.
- You are responsible for and must meet all deadlines in your case, regardless of whether you are able to have an appointment at the Projects in the Eastern District or the Southern District.

## **II. FREE ASSISTANCE, NON-ATTORNEY PROVIDERS, AND COMPETENCY**

CBJC does not charge for this assistance. You may be assisted by law students and/or paralegals under the supervision of an attorney consistent with the Rules of Professional Responsibility. CBJC's assistance does not guarantee success or any particular outcome but that CBJC will provide competent assistance.

## **III. TERMINATION OF ASSISTANCE**

Your participation is entirely voluntary, and you are free to stop receiving CBJC's limited scope assistance at any time. CBJC may stop providing limited assistance at its sole discretion consistent with the New York Rules of Professional Conduct. If CBJC chooses to stop providing limited assistance, it will provide notice by email, mail, or phone.

## **IV. COSTS OF LITIGATION**

Filing a lawsuit or defending against a case when you are sued can involve costs. You are responsible for all costs, including filing fees. The CBJC will not pay for any costs associated with your case. The Court may allow you to proceed without paying filing fees (this is called "proceeding in *forma pauperis*"). Whether you are allowed to proceed in *forma pauperis* is entirely up to the Court.

## **V. CONFIDENTIALITY**

CBJC will take all reasonable steps to maintain any information you provide as confidential.

## **VI. REVIEW AND CONSENT**

If you have questions or concerns, please leave a voicemail for the Project at (212) 382-4794, and someone will call you back to discuss this agreement.

By signing and writing today's date below, you indicate that you: have had an opportunity to discuss this agreement with CBJC or another Attorney of your choice; have read and understand this agreement; consent to the terms of this agreement; and understand the possible risks and benefits of proceeding with limited scope assistance.

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Signature

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Date

**Please mail these completed forms to the City Bar  
Justice Center, Pro Se Legal Assistance Project, 40 Foley  
Square, LL22, New York, NY 10007.**



**CITY BAR JUSTICE CENTER**  
SDNY Federal Pro Se Legal Assistance Project

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Facility: \_\_\_\_\_ Identification # \_\_\_\_\_

**How did you hear about our clinic? (circle one)**

Pro Se Intake Office      Website      Conference/Hearing with the Judge

Pro Se Information Package      Friend/Family      Order/Letter from the Judge

Other: \_\_\_\_\_

**Do you already have an open case with the federal court? (circle one)**      Yes      No

**If yes, what is your case number?** \_\_\_\_\_

**If yes, which courthouse is it in? (circle one)**      Manhattan      White Plains

**Ethnicity? (circle one)**

Asian/Pacific Islander      Hispanic      Caucasian

Black      Middle Eastern      Decline to answer

African      Caribbean      Other: \_\_\_\_\_

Native American      South Asian

**Gender?** \_\_\_\_\_

**Education level? (circle one)**

8<sup>th</sup> grade or less      GED      2-4 years of college/vocational school

Some high school      College graduate      Decline to answer

High school graduate      Graduate degree

**Please mail these completed forms to the City Bar Justice Center, Pro Se Legal Assistance Project, 40 Foley Square, LL22, New York, NY 10007.**



**CITY BAR JUSTICE CENTER**  
SDNY Federal Pro Se Legal Assistance Project

**Immigration status? (circle one)**

U.S. citizen (born in U.S.)	Naturalized U.S. citizen	Legal Permanent Resident
	(Born in:_____)	
No lawful status	Decline to answer	Other:_____

**Marital status? (circle one)**

Single	Married
Divorced	Separated
Widowed	Decline to answer

**Do you have a disability? (circle all that apply)**

No	Mental health	Vision
Hearing	Mobility	Memory
Homebound	Decline to answer	Other:_____

**What is your primary language?** \_\_\_\_\_

**LGBTQ+? (circle one)**      Yes      No      Decline to answer

**Veteran?** \_\_\_\_\_

**Please mail these completed forms to the City Bar Justice Center, Pro Se Legal Assistance Project, 40 Foley Square, LL22, New York, NY 10007.**